

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

Plaintiff

STEPHEN DISALVO

vs.

Defendant

BOROUGH OF HAWORTH

Civil Action No.: 08-4768 (DMC)

**ANSWER AND SEPARATE DEFENSES TO
VERIFIED COMPLIANT FOR
DECLARATORY JUDGMENT**

Defendant Borough of Haworth (the “Borough”), by and through its counsel, Phillips Nizer LLP, by way of Answer to the “Verified Complaint for Declaratory Judgment” of Plaintiff Stephen DiSalvo, *pro se*, (“Plaintiff”), herein answers and responds as follows:

“JURISDICTION AND VENUE”

1. The Borough denies the allegations set forth by Plaintiff in Paragraph 1; moreover, the Borough leaves Plaintiff to his proofs as to the legal conclusions set forth in Paragraph 1.

“PARTIES”

2. The Borough is without sufficient knowledge or information so as to form an opinion or belief as to the allegations set forth by Plaintiff in Paragraph 2 and therefore leaves Plaintiff to his proofs.

3. The Borough admits the allegations set forth by Plaintiff in Paragraph 3.

“STATEMENT OF FACTS”

4. The Borough is without sufficient knowledge or information so as to form an opinion or belief as to the allegations set forth by Plaintiff in Paragraph 4 and therefore leaves Plaintiff to his proofs.

5. The Borough is without sufficient knowledge or information so as to form an opinion or belief as to the allegations set forth by Plaintiff in Paragraph 5 and therefore leaves Plaintiff to his proofs.

6. The Borough is without sufficient knowledge or information so as to form an opinion or belief as to the allegations set forth by Plaintiff in Paragraph 6 and therefore leaves Plaintiff to his proofs.

“CAUSE OF ACTION”

7. The Borough repeats its answers and responses to the allegations set forth above to Paragraphs 1 through 6 as if fully set forth herein.

8. The Borough denies the allegations set forth by Plaintiff in Paragraph 8.

“DEMAND”

9. The Borough denies the allegations set forth by Plaintiff in Paragraph 9.

SEPARATE DEFENSES

FIRST SEPARATE DEFENSE

Plaintiff has failed to state a cause of action upon which relief may be granted.

SECOND SEPARATE DEFENSE

The claims of Plaintiff are barred by the applicable statutes of limitations.

THIRD SEPARATE DEFENSE

The claims of Plaintiff are barred by estoppel.

FOURTH SEPARATE DEFENSE

The claims of Plaintiff are barred by the doctrine of laches.

FIFTH SEPARATE DEFENSE

The claims of Plaintiff are barred and/or limited by the provisions and/or operation of the applicable statute(s).

SIXTH SEPARATE DEFENSE

The claims of Plaintiff are barred and/or limited and/or pre-empted by a bankruptcy proceeding involving Plaintiff.

SEVENTH SEPARATE DEFENSE

The claims of Plaintiff are barred by Plaintiff's own conduct and/or that of his agents or representatives.

PHILLIPS NIZER LLP
Court Plaza North
25 Main Street
Suite 601 A
Hackensack, New Jersey 07601
(201) 487-3700
(201) 646-1764 Fax
Attorneys for Defendant,
Borough of Haworth

BY: /s/ Robert M. Adams
ROBERT M. ADAMS, ESQ.
PETER J. SCANDARIATO, ESQ.

Dated: October 17, 2008